

1 Law Office of Mark Ravis
2 Mark Ravis, M.D., J.D., (SBN 137479)
3 11500 Olympic Blvd., Ste. 400
Cellphone: (310) 408-9865
Telephone: (310) 651-6131
Facsimile: (310) 444-3044

4 Attorneys for Plaintiffs, Beverly Bittner; Estate of Donald Swisher; and Linette Covarrubias as
5 Guardian Ad Litem for Anthony Covarrubias, Eric Covarrubias, Sabrina Covarrubias, Alexander
Covarrubias, Dante Covarrubias.

7 **UNITED STATES DISTRICT COURT**
8 **EASTERN DISTRICT OF CALIFORNIA**

10 BEVERLY BITTNER; ESTATE OF) CASE NO: CIV. S-04-1901 LKK/KJM
11 DONALD SWISHER; and LINNETTE)
12 COVARRUBIAS as GUARDIAN AD) Hon. Lawrence K. Karlton
LITEM FOR ANTHONY COVARRUBIAS,)
ERIC COVARRUBIAS, SABRINA)
COVARRUBIAS, ALEXANDER)
COVARRUBIAS, DANTE)
COVARRUBIAS,)

13) **REQUEST BY ALL PLAINTIFFS FOR**
14) **AN ORDER DISMISSING THE**
15) **COMPLAINT (FRCP 41; L.R. 16-160)**

16 vs.)
TERESA SCHWARTZ, Warden, California)
Medical Facility; SGT. WALKER;)
CORRECTIONAL OFFICER VAN;)
CORRECTIONAL OFFICER MAY;)
CORRECTIONAL OFFICER MILES,)
CORRECTIONAL OFFICER COOZ;)
CORRECTIONAL OFFICER PHAM;)
CORRECTIONAL OFFICER ARCHER;)
XUEWIE ZHU, M.D.; WESLEY)
McALLISTER, M.D.; and)
DOES 1 - 100, inclusive,)
Defendants.)

24 TO THE UNITED DISTRICT COURT, CALIFORNIA EASTERN DISTRICT
25 (SACRAMENTO) AND TO DEFENDANTS AND THEIR ATTORNEYS OF RECORD:

26 PLEASE TAKE NOTICE that Plaintiffs Beverly Bittner; Estate of Donald Swisher; and
27 Linette Covarrubias as Guardian Ad Litem for Anthony Covarrubias, Eric Covarrubias, Sabrina

1 Covarrubias, Alexander Covarrubias, Dante Covarrubias request the Court for an order dismissing
2 the complaint with prejudice. (F.R.C.P., Rule 41(a)(2).)

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4 Dated: July 18, 2006.

/s/ Mark Ravis

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Mark Ravis, the Law Office of Mark Ravis,
Attorneys for Plaintiffs, BEVERLY BITTNER;
ESTATE OF DONALD SWISHER; and LINNETTE
COVARRUBIAS as GUARDIAN AD LITEM FOR
ANTHONY COVARRUBIAS, ERIC
COVARRUBIAS, SABRINA COVARRUBIAS,
ALENXANDER COVARRUBIAS, DANTE
COVARRUBIAS.

It is so ordered.

DATED: July 20, 2006


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LAWRENCE K. KARLTON
SENIOR JUDGE
UNITED STATES DISTRICT COURT

PROOF OF SERVICE

I am employed in the County of Los Angeles and I am a resident thereof. I am over the age of eighteen and not a party to the within action; my business address is 11500 Olympic Blvd., Ste. 400, Los Angeles, CA 90064.

On July 18, 2006, I served the following documents described as:

**REQUEST BY ALL PLAINTIFFS FOR AN ORDER DISMISSING THE COMPLAINT
(FRCP 41; L.R. 16-160)**

on the interested party(ies) in this action by placing true copies thereof enclosed in sealed envelopes and/or packages addressed as follows:

See Attached List

BY MAIL: I deposited such envelope in the mail at Redondo Beach, California. The envelope was mailed with postage thereon fully prepaid. I am readily familiar with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid at Los Angeles, California in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postage cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

BY OVERNIGHT DELIVERY: I served such envelope or package to be delivered on the same day to an authorized courier or driver authorized by the overnight service carrier to receive documents, in an envelope or package designated by the overnight service carrier.

[] **BY FACSIMILE:** I served said document(s) to be transmitted by facsimile. The telephone number of the sending facsimile machine was (310) 444-3044. The name(s) and facsimile machine telephone number(s) of the person(s) served are set forth in the service list. A transmission report was properly issued by the sending facsimile machine, and the transmission was reported as complete and without error before 5:00 p.m..

BY HAND DELIVERY: I caused such envelope(s) to be delivered by hand to the office of the addressee(s) indicated.

PERSONAL DELIVERY

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed on this July 18, 2006 at Redondo Beach, California.

/s/ Gail Ganaja
Gail Ganaja

SERVICE LIST

Tom Blake
Deputy Attorney General
455 Golden Gate Avenue, Suite 11000
San Francisco, CA 94102-3664
Telephone: (415) 703-5506
Facsimile: (415) 703-5480
Attorneys for Defendants